

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

William B. Arden II

Attorney Docket No. ARD-101US

Serial No. 10/664,634

Group Art Unit: 3611

Filed: September 19, 2003

Examiner: Gary Chapman Hoge

Title: BINDER CLIP SLEEVE

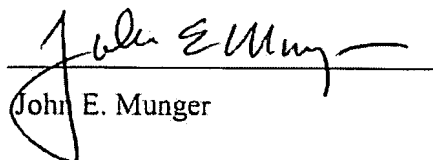
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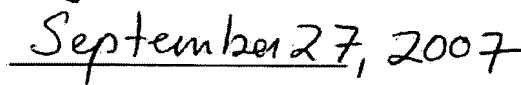
Declaration of John E. Munger
(Submitted pursuant to 37 C.F.R. §1.312)

John E. Munger declares as follows:

1. I am one of the attorneys of record with respect to this Application.
2. Attached as Exhibit A are true and correct copies of seven pages downloaded on September 27, 2007 from the Internet Site <http://www.customclips.biz>.
3. The pages attached as Exhibit A show an intro, marketing information, and a downloadable brochure for the Custom Clips product available as of September 27, 2007.

I declare that: all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code; and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.


John E. Munger


Date

Supplemental Declaration of Richard Raddatz

Richard Raddatz declares as follows:

1. My name is Richard Raddatz. I previously submitted a declaration in connection with U.S. Patent Application Serial No. 10/664,634 dated September 25, 2006. I am submitting the present declaration for the purpose of supplementing my September 25, 2006 declaration and to provide updated information about the sales and marketing of the Custom Clip product shown and discussed in my September 25, 2006 declaration. Another purpose of the present declaration is to provide insight into the commercial success of the Custom Clip product within the specialty advertising industry and long felt need for such a product.

2. The specialty advertising industry referred to in my September 25, 2006 declaration is made up of approximately 3,500 major vendors that are suppliers and sell millions of customizable specialty advertising products on a wholesale price basis. These vendors sell their specialty advertising products to their customers through printed catalogs, Internet websites, trade shows, and a sales force. The vendors offer to customize the specialty advertising product to the specifications of the customer. This can include providing the customer's advertising information on the specialty advertising product. An example would be a ball-point pen with the customer's name and contact information on the pen. The customer can then give away or otherwise provide the specialty advertising product to others for the purpose of promoting the customer's goods or services.

3. As the exclusive licensee of the Custom Clip product referred to in my September 25, 2006 declaration, I have marketed, manufactured, and sold over 22,000 Custom Clip products to date. My marketing efforts have included direct mail, telemarketing, Internet advertising, sales calls, and trade show booths. This represents 100% of the market share for Custom Clip products because there are no other products being marketed (of which I am aware) which marry a binder clip and a binder clip sleeve to provide a specialty advertising product as shown and described in my September 25, 2006 declaration.

4. Since my September 25, 2006 declaration, I have personally attended a number of trade shows at which I had a booth for the purpose of promoting the sale of the Custom Clip product. Each trade show was a specialty advertising product trade show open to persons engaged in making and selling specialty advertising products. I personally displayed the Custom Clip product at my booth at each trade show. The Custom Clip products that I displayed at each trade show were like those shown and described in my September 25, 2006 declaration in that they consisted of the combination of a binder clip and a tri-panel sleeve over the binder clip. During the two specialty advertising trade shows, thousands of trade show participants visited my booth and saw the Custom Clip product on display. No person ever indicated to me during either trade show that he or she had previously seen a specialty advertising product like, or similar to, the Custom Clip. What I did hear from the people who stopped at my booth at each of the two trade shows was comments to the effect of, "I wish I would have thought of that product." I was told by the people who stopped at my booth that the Custom Clip product was going to be a very successful specialty advertising product.

5. To date, over twelve vendors of specialty advertising products have agreed to add Custom Clips to their product line since September 25, 2006. The Advertising Specialty Institute compiles and maintains a list of the top 40 specialty advertising product vendors. Vendors ranked in the top 40 that have added Custom Clips to their product line are as follows:

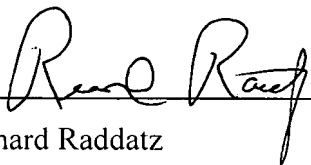
- Geiger Inc.
- Lee Wayne Inc.
- Tick Tock Inc.
- Kaiser & Blair Inc.
- American Solutions For Business, Inc.
- Goldman Promotions
- Gateway CDI
- Tradenet

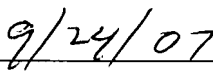
Other major vendors that are marketing and selling Custom Clips include National Envelope Company and American Identity Inc. The major vendors of the specialty advertising industry review many new specialty advertising items every year. They would not add Custom Clips to their product line unless it was unique and going to sell. Each vendor is represented by independent sales representatives and in-house sales representatives. As a result, the Custom Clips product will gain exposure throughout the United States. It is my belief and expectation that sales of Custom Clips will increase 1000 fold as customers of the specialty advertising product vendors (such as the vendors mentioned above) become aware of the Custom Clip product. This, in turn, will mean increased sales of the Custom Clip for my company.

6. The "buzz" and interest that is being generated with respect to the Custom Clip product as described in this declaration and in my September 25, 2006 declaration and actual sales information provided in the declarations demonstrates that there is a long felt need for this product and that the product is and will be a commercial success. I expect that the Custom Clip product will achieve great marketplace success as the product matures in its product cycle.

* * *

I declare that: all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code; and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Richard Raddatz


Date